

**PLANNING AND ZONING COMMISSION
MINUTES
EXECUTIVE SESSION and GENERAL MEETING
February 10, 2009**

Place: Room 213 & Auditorium
Town Hall

TIME: 8:00 P.M.

EXECUTIVE SESSION (Room 213)

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Grimes, Finke, Hutchison, Bigelow, Spain

STAFF ATTENDING: Ginsberg, Keating

ATTORNEYS PRESENT REPRESENTING THE TOWN: Fox, Louizos and Schmidt

Chairman Conze read the following agenda item:

Meeting with Town Counsel to discuss pending litigation.

Pending litigation was discussed with Counsel. No motions were made and no actions were taken. At 8:45 pm, the Executive Session was concluded. There was a brief recess so that the Commission could relocate to the Auditorium for the General Meeting portion of the evening.

GENERAL MEETING (AUDITORIUM)

At 8:50 pm, the meeting was resumed in the Auditorium.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Conze, Grimes, Finke, Hutchison, Bigelow, Spain

STAFF ATTENDING: Ginsberg, Keating RECORDER: Syat

Chairman Conze read the first general meeting agenda item:

Discussion and deliberation only regarding:

Amendment of Zoning Map #4-2008, Amendment of Zoning Regulations #8-2008, Site Plan Application #268, Special Permit Application #122-A, Land Filling & Regrading Application #219, lot line revision, Darien Housing Authority, Noroton Avenue, Elm Street, and West Avenue. Proposing to replace the existing single-family residences and apartment building which now comprise Allen-O'Neill Homes; to amend the DMR Zoning Regulations, and rezone the properties to DMR; abandon the existing Allen-O'Neill Drive; revise lot lines; construct 24 new apartment and townhouse structures containing 116 units of housing; construct one community building; install drainage facilities; and to perform related site development activities. *PUBLIC HEARING CLOSED JANUARY 13, 2009. DECISION DEADLINE: MARCH 19, 2009.*

Chairman Conze noted that the Public Hearing matter had been closed and the Commission had not yet had an opportunity to discuss among themselves what action should be taken. He asked the Commission members to discuss their thoughts and opinions.

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Mr. Finke said that he was very concerned about the scale of the proposed structures. He felt that they were out of scale with the houses surrounding the site. He said that he is in favor of the redevelopment, but concludes that the proposed redevelopment is too dense and the structures are too big.

Mr. Spain said that there are a myriad of facets that the Commission needs to consider. He said that the density is very high given the location of the site, but it is not too far off from what would be appropriate. He said the Commission should develop a usable yardstick of appropriate development density that could be used on this site as well as other properties. Another concern is the closeness of the proposed development to the neighbors and the appropriateness of the density near the neighbors on the perimeter of the site. Another facet is whether there should be sidewalks at crosswalks and/or resignalization at the Noroton Avenue and West Avenue intersection. Mr. Spain said that drainage concerns include the surface run-off and the underground water table impacts. He noted that a curtain drain is included in the plan. He said that testing would be needed during the construction process to assure that the drainage concerns expressed by the neighbors will not become actual problems. Another major issue is the concern for maintenance of the facility once it has been built. He said that he is inclined to approve the project subject to a number of adjustments and modifications.

Mr. Bigelow said that there is a perception of over-development due to the great increase in density and the size of the proposed structures. He said that the structures are much larger than those of the nearby neighborhood. Another concern, due to the density, is the increase in traffic. He said that a long-term capital improvements and maintenance plan is needed to assure that the facility will continue to look and function in a proper manner. He said that the development cannot detract in any way from the rest of the neighborhood. Mr. Bigelow said that doubling the number of units could increase the likelihood from drainage problems down stream and he is very concerned about the ability of the Town's stormwater and sanitary sewer systems to handle the increased development without adversely impacting the neighborhood. He is "on the fence" regarding the application. He said that he likes the idea of revitalizing the site, but is not sure if the infrastructure can handle the proposed redevelopment to the extent proposed.

Mr. Hutchison questioned whether this density would be allowed if this was not a Town or Housing Authority project. He believed that if a private developer proposed this density, it would not be permitted. He felt that the proposed development would have too much impact on the neighborhood. One of the problems is that the applicant has taken nine of the largest houses in the much larger neighborhood and then taken elements of those very big houses to create even bigger structures to accommodate the increase in the density. He said that the proposed development would not be creating a neighborhood type feeling. He said that there is no extra space and no relief valve for extra parking area. He compared this site to the relocation of the Library from the downtown area to a remote area where there is no extra parking around the Library and he compared it to the YMCA where the only place for extra parking is on the Boston Post Road.

Mr. Hutchison said the traffic safety issues are of great concern. He said that more people would be walking to the train station and the Noroton Heights area and that improved pedestrian safety needs to be incorporated into the design. He was favorably impressed by the drainage improvements incorporated into the design. He was also pleased by the elimination of curb cuts on Noroton Avenue and West Avenue.

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Ms. Grimes said that the design should have the larger buildings close to the center of the site and the smaller buildings around the perimeter of the site near the neighbors. She said that one neighbor made the claim that eliminating the public streets would mean that the police would no longer patrol within the private driveways and this raises safety concerns. She also said that a better explanation of the number of one, two and three bedroom units would be appropriate and revising the site plan to save more of the existing trees would be necessary.

Mr. Conze said that the density in terms of number of units is not his main concern. His main concern is with good design and great execution of that design. He said that the neighboring houses will increase in size over time and that it would not be appropriate to limit the size of the buildings in this project to match the existing houses in the neighborhood. He is very concerned about the on-going maintenance issues that will be necessary. He said there is very little leeway for the replacement and maintenance work that will be needed on an on going basis. He said that the renderings of the proposed building were well done by the architect.

Mr. Hutchison and Mr. Spain were asked to be on a Sub-committee to further discuss this matter so the draft findings can be brought before the Commission at a meeting in late February or early March. No action was taken on the application.

Chairman Conze read the following agenda item:

Discussion of, and possible appointment of, SWRPA Representative.

Mr. Ginsberg explained that the Board of Selectmen appoint one representative and the Planning & Zoning Commission appoint a second representative to the South Western Regional Planning Agency (SWRPA). In the past, the Selectmen had appointed Robert Young as their representative and the Planning & Zoning Commission had appointed Reese Hutchison as their Representative. Both terms have expired. The Selectmen recently appointed Mr. Hutchison as their Representative to the South Western Regional Planning Agency. Mr. Spain said that it makes sense that the Planning & Zoning Commission could then nominate Mr. Young to fill the second slot. Mr. Conze said that he would like to nominate John Marr to fill that second slot. Mr. Spain said that both nominees should attend a future meeting of the Planning & Zoning Commission so that the Commission can discuss the matter with each of them present, and then make a decision at a future date.

Chairman Conze read the following agenda item:

Discussion of HomeConnecticut Grant.

Mr. Ginsberg said that the discussion regarding this matter should be postponed for a few weeks to find out whether funding for this grant will be modified due to the budget cut backs.

Mr. Conze read the following agenda item:

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Informal Discussion of Possible Zoning Regulation Proposal regarding Blade Signs.

Mr. Ginsberg said that as redevelopment in the downtown area has moved new buildings closer to the street. Traditional front wall signs are not as visible to pedestrians and motorists and hanging signs in the front yard are sometimes not possible. There has been some discussion to allow for signs to be projected perpendicular to the front wall of the building. These signs are known in the industry as Blade Signs. He said this matter has been discussed with the Architectural Review Board and they agree with the concept of allowing blade signs in the Central Business District, and other pedestrian-oriented zones. The process of allowing signs would involve the Planning & Zoning Commission amending the Regulations to allow such signs and then each proposed sign being submitted to the Architectural Review Board just as any other proposed sign would be submitted. Mr. Conze said that it is important that a theme and consistent pattern be developed rather than allow a great variety of 'creative' Blade Signs that would be much different than what people envision. The staff will proceed with drafting Regulations for a public hearing to be scheduled in late March.

Chairman Conze read the following agenda item:

Coastal Site Plan Review #222, Flood Damage Prevention Application #244, Land Filling & Regrading Application #176, James Kane, 147 Five Mile River Road.

Request for extension of time to implement approved plan until March 1, 2010, and informal discussion regarding proposed subdivision of the property and related development activity (including improved safety features) at 147 Five Mile River Road.

The first aspect of the letter requests an extension of the existing Coastal Site Plan and Flood Damage and Land Filling permits. The Commission members agreed that an extension until March 1, 2010 would be appropriate. The motion to grant the extension was made by Mr. Finke, seconded by Mr. Hutchison and unanimously approved.

Attorney Gleason represented Mr. Kane and discussed the concept to subdivide the property into two separate lots. The proposed subdivision would require compliance with the Subdivision Regulations and a portion of the Subdivision Regulations could require the Planning & Zoning Commission to mandate that the portion of Five Mile River Road in front of the subject property be substantially upgraded and improved to meet typical street standards. Attorney Gleason said that instead of meeting the typical street standards, they would propose to extend the water line and create a fire hydrant within the street right-of-way and to create a turn-around area. Commission members felt that expanding the width of the street as much as possible would also be necessary. Mr. Gleason will proceed with a formal application to be submitted in the near future.

Chairman Conze read the following agenda item:

Proposed Modification of Subdivision Application #607, Coastal Site Plan Review #209, Shanahan, 58 Sunswyck Road, R-1 Zone.

Modification of open space parcel, and creation of a proposed stairway down to the water.

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Attorney Wilder Gleason represented the property owner and explained that there are two parts to the request. The first part of the request is to modify the shape of the open space area adjacent to Scott's Cove. The original division of the property had left only a narrow strip from the water's edge to the house lot. In order to construct a pier out into Scott's Cove, they must locate the structure at least 25 feet from the neighboring property. This will require a modification of the open space conservation area. This proposal has been reviewed and accepted by the Environmental Protection Commission, the holders of the conservation easement, but since it was shown on the plans previously approved by the Planning & Zoning Commission, the applicant must also obtain approval from the Planning & Zoning Commission. Commission members had no objection to the modification of the designated open space area.

Attorney Gleason said that the second aspect of the request was to construct a stairway from the house site down to the low ground near Scott's Cove. He noted that none of the proposed site development work would be within 100 feet of mean high water and that there would be no adverse impact to any coastal resources. They are currently in the process of applying to the Connecticut Department of Environmental Protection for permission to install the pier, but they wish to construct the stairs from the high ground near the proposed house down to the low ground near the water before they build the septic system and construct the house because this will allow them to back out of the construction area. Once the house and septic system have been installed, it will be very difficult to bring construction equipment to the steep slope for which a set of stairs is needed. Attorney Gleason said that the original stair design would have had a 4 foot high stone wall on the side of the stairs. This was determined to be too massive and the owners wish to substitute a simple handrail next to the stairs instead of the four foot high stone wall.

Commission members reviewed the plans for the proposed work and concluded that modifying the past approval would be acceptable. The following motion was made: That the Planning & Zoning Commission approve the requested modification of the open space parcel and approve the creation of the proposed stairway with hand rail from the house site down to the lower ground in accordance with the submitted plans. A motion was made by Mr. Bigelow, seconded by Mrs. Grimes and unanimously approved.

Chairman Conze then read the following agenda item:

Approval of Minutes

November 25, 2008 Special Meeting

A motion was made to adopt the Minutes as presented. The motion was made by Mrs. Grimes, seconded by Mr. Hutchison. All voted in favor except Mr. Bigelow and Mr. Conze who had not attended the meeting in November.

December 2, 2008 General Meeting/Public Hearing

A motion was made to adopt the Minutes as presented. The motion was made by Mr. Bigelow, seconded by Mr. Finke. All voted in favor except Mrs. Grimes who had not attended that meeting.

December 9, 2008 General Meeting/Public Hearing

A motion was made to adopt the Minutes as presented. The motion was made by Mr. Bigelow, seconded by Mr. Grimes and unanimously approved.

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January 6, 2009 General Meeting/Public Hearing

A motion was made to adopt the Minutes as presented. The motion was made by Mr. Finke, seconded by Mr. Hutchison. All voted in favor except Mr. Bigelow who had not attended that meeting.

January 13, 2009 Public Hearing/General Meeting

A motion was made to adopt the Minutes as presented. The motion was made by Mr. Bigelow, seconded by Mrs. Grimes. All voted in favor except for Mr. Hutchison who had not attended the meeting.

January 27, 2009 Public Hearing/General Meeting

A motion was made to adopt the Minutes as presented. The motion was made by Mr. Finke, seconded by Mr. Bigelow and unanimously adopted.

Any Other Business (Requires two-thirds vote of Commission)

The following motion was made: That the Commission discuss other business, namely the request of Mr. Robert Young to speak to the Commission. The motion was made by Mrs. Grimes, seconded by Mr. Finke and unanimously approved. Mr. Young indicated that he was interested in serving as the Planning & Zoning Commission's representative to the South Western Regional Planning Agency and would appreciate an opportunity to discuss the matter with the Commission. The Commission members agreed that they would schedule time at another meeting to discuss the matter with Mr. Young as well as with Mr. Marr, who had been nominated to serve as a Representative to SWRPA.

There being no further business, the meeting was adjourned at 10:15 P.M.

Respectfully submitted,

David J. Keating
Assistant Director of Planning & Zoning